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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,262	07/27/2001	Derek Edward Sumpter	SUMPTER-DB-01	7810

7590

05/23/2002

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EXAMINER

FOX, CHARLES A

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,262

Applicant(s)

SUMPTER, DEREK EDWARD

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ~~4-6~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

***Information Disclosure Statement***

The references cited in the Search Report EP 01 30 0673 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO-1449 form, must be filed within the set period for reply to this Office action.

***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim 5 depends directly from claim 4 and is also withdrawn from consideration at this time.

Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fors in view of Glomski. Fors (US 3,998,343) teaches an articulated trailer comprising:

an elongate material carrying container (10) carried upon a chassis having a plurality of wheels;

wherein the container has a floor, a rear (18) 2 side walls (15,16), a roof (17) and a front with access (20), wherein the interior surfaces are flat;

a transverse movable wall (78) within said container;

wherein said wall (78) moves from a position near said access space (20) where usable volume of said container is at a minimum, to a position where said wall is near rear wall (18) and said usable volume in said container is at its maximum.

Fors does not teach a sliding access door in the top of the trailer. Glomski (US 5,122,025) teaches a container mounted on a truck (10) that has a sliding access door (90) located on the top of the container. Glomski further teaches the access door (90) can be opened and closed via a hydraulic cylinder. It would have been obvious to one of ordinary skill in the art, at the time of invention to add a top access door as taught by Glomski to the trailer taught by Fors in order to load loose bulk material into the container.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fors and Glomski as applied to claim 1 above, and further in view of Hamilton et al. In regards to claim 2 Fors and Glomski teach the limitations of claim 1 as above, they do not teach the floor of the container as being a walking floor. Hamilton (US 4,793,468) teaches a walking floor for collection and discharge of waste. See column 1

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lines 5-29. It would have been obvious to one of ordinary skill in the art, at the time of invention that a walking floor as taught by Hamilton et al. could have used in the container taught by Fors in order to move material into or out of the container.

In regards to claim 3 Fors further teaches a sheet (68) that is connected to the movable wall (78) at its bottom edge.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hulls in view of Glonski. Hulls (US 5,765,986) teaches a material delivery and waste collection system for a premises, the system comprising:

at least two, wheeled elongate material carrying containers (6), each having a floor, a rear, two side walls, a roof, an access door, and a means to cause a load to move a load in the longitudinal direction in the carrier via a walking floor;  
a delivery bay for transfer of materials from a first carrier into said premises;  
a second bay for receiving waste into a second carrier to haul the waste away.

Hulls does not teach the carrier containers as having a coverable aperture. Glonski teaches a container mounted on a truck (10) that has a sliding access door (90) located on the top of the container. Glonski further teaches the access door (90) can be opened and closed via a hydraulic cylinder. It would have been obvious to one of ordinary skill in the art, at the time of invention to add a top access door as taught by Glonski to the trailer taught by Hulls in order to load loose bulk material into the container and then seal it so as to prevent waste from leaving the container as it is transported to a disposal site.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulls and Glomski as applied to claim 7 above, and further in view of Fors. Hull in view of Glomski teach the limitations of claim 7 as above, they do not teach the carrier containers as having a movable wall. Fors teaches a container for carrying material that has a wall (78) that moves to change the volume of the container that is available for loading. It would have been obvious to one of ordinary skill in the art, at the time of invention that the movable wall taught by Fors could have been added to the container carrier taught by Hulls and Glomski in order to keep material that is being loaded into the container from spilling over during movement of said material to the rear end of said container by the walking floor.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Victorino (1984), Krapp et al. (1988), VanMatre (1992), Boivin (1995), and Podd, Jr. et al. (1997).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-4:30 Monday-Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

caf  
May 10, 2002

  
DEAN J. KRAMER 5-20-02  
PRIMARY EXAMINER